

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
PAUL WINTERS,  
Defendant.

Case No. [22-cr-00406-JSW-1](#)

**PRETRIAL ORDER NO. 2:**

**AMENDED PROPOSED  
PRELIMINARY JURY  
INSTRUCTIONS**

At the Final Pretrial Conference, Defendant stated he will not enter any stipulations with the Government. Accordingly, the Court intends to amend the Preliminary Jury Instructions as set forth below. The parties may file any objections to the amended instructions by June 5, 2024.

From the Instruction entitled “Count One: Felon In Possession of a Firearm and Ammunition,” the Court removes two references to a stipulation. The Court removes from paragraph 4: “. The defendant stipulates that in 2008, the defendant was convicted of a crime punishable by imprisonment for a term exceeding one year.” The Court removes from paragraph 5: “The defendant stipulates that at the time of the alleged offense, the defendant knew he had been convicted of a crime punishable by imprisonment for a term exceeding one year.”

The modified instruction is set forth below.

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**Count One: Felon In Possession of a Firearm and Ammunition**

The defendant is charged in Count One of the superseding indictment with the possession of a firearm and ammunition in violation of Section 922(g)(1) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed: (1) a .40 caliber Smith and Wesson pistol, with an obliterated serial number; (2) one-hundred seventy-seven (177) Lake City 5.56mm rounds; (3) thirty (30) Remington 9mm rounds; (4) one-hundred five (105) Remington 9mm rounds; (5) fifty (50) Sellier & Bellot 9mm rounds; (6) twenty (20) Norma 9mm rounds; and/or (7) ten (10) CCI 9mm rounds;

Second, the (1) .40 caliber Smith and Wesson pistol, with an obliterated serial number; (2) one-hundred seventy-seven (177) Lake City 5.56mm rounds; (3) thirty (30) Remington 9mm rounds; (4) one-hundred five (105) Remington 9mm rounds; (5) fifty (50) Sellier & Bellot 9mm rounds; (6) twenty (20) Norma 9mm rounds; and/or (7) ten (10) CCI 9mm rounds had been shipped or transported from one state to another or between a foreign nation and the United States; with all of you agreeing that any or all of the aforementioned firearm and ammunition had been so shipped or transported.

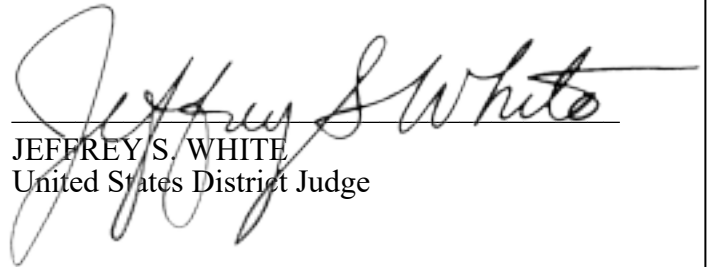
Third, at the time the defendant possessed the (1) .40 caliber Smith and Wesson pistol, with an obliterated serial number; (2) one-hundred seventy-seven (177) Lake City 5.56mm rounds; (3) thirty (30) Remington 9mm rounds; (4) one-hundred five (105) Remington 9mm rounds; (5) fifty (50) Sellier & Bellot 9mm rounds; (6) twenty (20) Norma 9mm rounds; and/or (7) ten (10) CCI 9mm rounds, the defendant had been convicted of a crime punishable by imprisonment for a term exceeding one year; and

Fourth, at the time the defendant possessed the (1) .40 caliber Smith and Wesson pistol,

1 with an obliterated serial number; (2) one-hundred seventy-seven (177) Lake City 5.56mm rounds;  
2 (3) thirty (30) Remington 9mm rounds; (4) one-hundred five (105) Remington 9mm rounds; (5)  
3 fifty (50) Sellier & Bellot 9mm rounds; (6) twenty (20) Norma 9mm rounds; and/or (7) ten (10)  
4 CCI 9mm rounds, the defendant knew he had been convicted of a crime punishable by  
5 imprisonment for a term exceeding one year.

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7 **IT IS SO ORDERED.**

8 Dated: May 30, 2024

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11 JEFFREY S. WHITE  
12 United States District Judge  
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